

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

**In re
TAMARA DEVEREUX**

**CASE NO. 23-10074
CHAPTER 13**

Debtor

**TAMARA DEVEREUX
Plaintiff**

vs.

**US DEPARTMENT OF EDUCATION
Defendant**

ADV. PRO. CASE NO:

**Debtor's Complaint to Determine Federal Student Loans Discharged
For "Undue Hardship" under 11 U.S.C. § 523(a)(8)**

Nature of Action

1. This is an adversary proceeding by which the Debtor seeks a declaration federal student loans constitute an undue hardship for the Debtor and should be discharged pursuant to section 523(a)(8) of the Bankruptcy Code.

Jurisdiction and Venue

2. On April 28, 2023, the Debtor filed a voluntary petition in the United States Bankruptcy Court for the District of Vermont for relief under 11 U.S.C. § 1328, Chapter 13 of the Bankruptcy code
3. The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 1334 and 157(a).
4. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
5. Venue is proper in this district pursuant to 28 U.S.C § 1409.

Parties

6. Plaintiff, Tamara Devereux, is the Debtor in the above captioned case. She is the recipient of federal student loans and is a resident of Williston, Vermont.
7. Defendant, U.S. Department of Education (ED), is a federal government agency that oversees and originates federal student loans. It is the originator and holder of the loan at issue.

Factual Allegations

8. ED holds a consolidation loan with an estimated balance of \$362,678, owed by the Plaintiff.
9. Plaintiff completed her undergraduate degree in 1998.
10. Plaintiff attended a graduate program from 2001 to 2004, and a second graduate program from 2013 to 2016.
11. The loans from all this schooling were eventually consolidated in 2022.
12. These loans have never been in default.
13. In 2011, Plaintiff was in an auto accident. While she has not been disabled enough to qualify for a Total and Permanent Disability discharge, her ability to work is limited.
14. As a result of being unable to drive, the Plaintiff pursued and obtained a second master's degree in instructional design. It was this that led to self-employment. However, the business has barely broken even. The pandemic ruined whatever forward momentum the business had.
15. As a result of the business' failure, Plaintiff secured a virtual teaching position. The income is barely enough to make ends meet.
16. Aside from supporting her wife, Plaintiff also supports her adult son who is unable to work due to severe depression and anxiety.
17. The payment under a standard 30-year term is approximately \$1,000 a month. However, at all times she is aware, the demand for payment has never been less than \$1,500.
18. Plaintiff is unable to afford the standard payment as her expenses exceed her income.
19. Plaintiff was only ever able to afford payments through an Income Driven Repayment (IDR) plan, specifically REPAYE
20. Many of the forbearance Plaintiff received were short periods of time to allow her to recertify her income for her IDR plan.
21. Plaintiff filed bankruptcy to free herself of financial burden to enable her to maintain a basic sense of living.
22. Plaintiff has maximized her income while reducing her expenses as best possible.
23. Her current employment is not likely to increase in income to the point that this loan will be affordable.

Claim for Relief: Undue Hardship Discharge

24. The Debtor repeats and realleges the allegations contained in paragraphs 1 through 20 of this Complaint as if fully set forth herein.

25. The repayment of federal student loans made to Plaintiff would be an undue hardship to her.
26. As a result, her federal student loan obligation should be discharged pursuant to Bankruptcy code section 523(a)(8).

WHEREFORE, the Debtor requests a judgment determining that her private student loans are discharged pursuant to Bankruptcy Code section 523(a)(8).

Dated June xx, 2023

Respectfully Submitted,
TAMARA DEVEREUX

By her attorney,

/s/Joshua Cohen

Joshua R.I. Cohen
Cohen Consumer Law, PLLC
PO Box 1040
St. Albans, VT 05478
Tel: 802-380-8887
Fax: 860-233-0339
jcohen@thestudentloanlawyer.com